
By: **Montgomery County Delegation**
Introduced and read first time: February 5, 2003
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Matthew Henson State Park - Expansion**
3 **MC 305-03**

4 FOR the purpose of expanding the boundaries of Matthew Henson State Park;
5 excepting a certain parcel of land from inclusion in Matthew Henson State Park;
6 directing a transfer of certain parcels of land from the State Highway
7 Administration of the Maryland Department of Transportation to the
8 Maryland-National Capital Park and Planning Commission; requiring the
9 consent of the Maryland-National Capital Park and Planning Commission for a
10 certain transfer of land; expanding the jurisdiction of the park police of the
11 Maryland-National Capital Park and Planning Commission within Matthew
12 Henson State Park; making certain technical corrections; and generally relating
13 to the Matthew Henson State Park.

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 5-1004
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Natural Resources**

22 5-1004.

23 (a) (1) The lands between Viers Mill Road and Georgia Avenue described in
24 the 1980 Highway Needs Inventory as the right-of-way reserved for the Rockville
25 facility in Montgomery County, being owned by the State, shall be:

26 (i) Designated as the Matthew Henson State Park; and

27 (ii) Held by the State as a State park under the protection and
28 administration of the Department.

1 (2) MATTHEW HENSON STATE PARK SHALL ALSO INCLUDE:

2 (I) THE LAND IDENTIFIED IN THE ASPEN HILL MASTER PLAN AS
3 SIGNIFICANT PARCEL 13, WITH THE EXCEPTION OF ANY LAND THAT WAS THE
4 SUBJECT OF A LEASE BETWEEN ANY PERSON AND AN AGENCY OF THE STATE
5 GOVERNMENT AS OF JUNE 5, 2002; AND

6 (II) THE STATE-OWNED LAND BORDERING ON THE NORTHEAST
7 PORTION OF SIGNIFICANT PARCEL 13.

8 (3) Except as provided in subsection (c) of this section, the Department
9 shall exercise the same power of adopting regulations and managing Matthew
10 Henson State Park as is done for any other State park.

11 (b) (1) Any land acquired under subsection (a) of this section is subject to all
12 of the public general laws enacted by the General Assembly that are not inconsistent
13 with this section. However, the provisions of this section prevail over any other State
14 law enacted before July 1, 1989.

15 (2) If specifically authorized by an act of the General Assembly, a part of
16 the Matthew Henson State Park may be used for transportation purposes.

17 (c) (1) Subject to the availability of local, State, or federal funds, including
18 any necessary matching funds, and subject to the provisions of paragraph (2) of this
19 subsection:

20 (i) A hiker/biker or other recreational trail may be constructed
21 within Matthew Henson State Park[, provided that, with the exception of property
22 purchased with advanced land acquisition revolving funds, the publicly owned portion
23 of the property identified as Significant Parcel No. 13 in the Aspen Hill Master Plan
24 is permanently made a part of Matthew Henson State Park]; and

25 (ii) A public pavilion, named in honor of Senator Idamae Garrott,
26 may be constructed within Matthew Henson State Park.

27 (2) Prior to the construction of a hiker/biker or other recreational trail or
28 pavilion in Matthew Henson State Park, the Department of Natural Resources or
29 other appropriate governmental agency shall:

30 (i) Review all studies concerning the environmental impact and
31 trail alignment options prepared for the Montgomery County [Parks Commission]
32 PLANNING BOARD;

33 (ii) Determine that construction, including the location and method
34 of construction, is consistent with the environmentally sensitive nature of the Park
35 and is in the public interest; and

36 (iii) Obtain the approval of the Montgomery County [Parks
37 Commission] PLANNING BOARD, the Montgomery County Council, and the County
38 Executive.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, in furtherance of the
2 construction of a hiker/biker trail in Matthew Henson State Park, ownership of the
3 following parcels shall be transferred at no cost from the State Highway
4 Administration of the Maryland Department of Transportation to the
5 Maryland-National Capital Park and Planning Commission before December 31,
6 2003:

7 (1) N42, MDAT, Tax Map for Mont. Co. No. HR 561, Grid HR 51,
8 consisting of 5.00 acres, more or less, unimproved;

9 (2) N596, MDAT, Tax Map for Mont. Co. No. JR 122, Grid JR 12,
10 consisting of 2.20 acres, more or less, unimproved;

11 (3) N134, MDAT, Tax Map for Mont. Co. No. JR 122, Grid JR 22,
12 consisting of 8.26 acres, more or less, unimproved;

13 (4) N106, MDAT, Tax Map for Mont. Co. No. JR 342, Grid JR 32,
14 consisting of 3.15 acres, more or less, unimproved;

15 (5) N223, MDAT, Tax Map for Mont. Co. No. JR 342, Grid JR 32,
16 consisting of 9.97 acres, more or less, unimproved;

17 (6) Parcel 2, SHA Plat No. 55749 (issued Sept. 24, 2001), consisting of
18 7.83 acres, more or less, unimproved, except that portion of Parcel 2 that was the
19 subject of a lease between any person, group, organization, or entity and an agency of
20 State government as of June 5, 2002; and

21 (7) Parcel 3, SHA Plat No. 55749 (issued Sept. 24, 2001), consisting of
22 0.96 acres, more or less, unimproved.

23 Any conveyance by the State Highway Administration of the portion of Parcel 2
24 that was the subject of a lease between any person, group, organization, or entity and
25 an agency of State government as of June 5, 2002 shall require the consent of the
26 Maryland-National Capital Park and Planning Commission.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
28 Natural Resources shall enter into an agreement with the Maryland-National
29 Capital Park and Planning Commission to allow park police officers of the
30 Commission to exercise police jurisdiction within Matthew Henson State Park, as the
31 Park is described in § 5-1004(a) of the Natural Resources Article.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2003.